

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

No. 5:06-CV-305-BO

EQUAL EMPLOYMENT )  
OPPORTUNITY COMMISSION, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
S.G.T. CINELLI'S, INC., and )  
CINELLI'S RISTORANTE, INC., )  
 )  
Defendants. )  
\_\_\_\_\_ )

ORDER

This matter is before the court on Plaintiff's Motion to Strike Answer and Enter Default Judgment Against Defendant Cinelli's Ristorante, Inc., and Motion for Sanctions and Default Judgment Against Defendant S.G.T. Cinelli's, Inc. For the reasons stated below, Plaintiff's motions are GRANTED.

Plaintiff filed this action alleging that Defendants had violated Title VII of the Civil Rights Act of 1964 and Title 1 of the Civil Rights Act of 1991 by subjecting a class of similarly situated women to a hostile work environment and by constructively discharging a class of women as a result of sexual harassment. Defendants participated in an unsuccessful court-hosted settlement conference on March 6, 2007, and subsequently filed answers to Plaintiff's Amended Complaint.

Defendant Cinelli's Ristorante Inc.'s counsel of record later filed a Motion to Withdraw, which was granted by U.S. Magistrate Judge Gates on April 23, 2007. Defendant S.G.T. Cinelli's Inc.'s counsel of record filed a Motion to Withdraw, which was also granted by


Magistrate Judge Gates on January 8, 2008. Both corporate defendants were directed to retain counsel no later than May 14, 2007 and February 8, 2008 respectively. To date, neither defendant has retained new counsel.

On June 3, 2008, this court deferred ruling on Plaintiff's Motion to Strike and Motion for Default Judgment and directed Defendant Ristorante to show cause within ten days of the order. Defendant Ristorante failed to respond. Neither party has defended this action against them nor responded to discovery requests.

Federal Rule of Civil Procedure 37(a)(2) permits the court to enter a judgment by default where a party fails to obey orders of the court. Rule 55(a) permits the court to enter default judgment where a party fails to plead or otherwise defend. Defendants have disobeyed the court's scheduling orders and failed to retain new counsel in order to proceed in this matter.

Accordingly, the court hereby enters Default Judgment against Defendants. A hearing will be held the week of August 25, 2008, in Raleigh, North Carolina, to determine the damages owed by Defendants.

SO ORDERED, this 8 day of <sup>August</sup>~~July~~ 2008.

  
TERRENCE W. BOYLE  
UNITED STATES DISTRICT JUDGE